

REMARKS

In the present Amendment, Claim 1 has been amended consistently with the amendments previously made to Claim 1.

Claim 11 has been amended to improve its format.

Claims 14-18 have been added. Claims 14-18 are supported by the specification, for example, at page 8, lines 15-24.

Claim 2-4 have previously been canceled.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1 and 5-18 will be all the claims pending in the application.

I. Response to Rejection Under 35 U.S.C. § 112, Second Paragraph

In Paragraph No. 2 of the Office Action, Claims 1-3 and 5-13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

In response, Applicants have in the Amendment amended Claim 1 to delete the recitation of the group 2B. Claims 5-13 depend from Claim 1. Claims 2 and 3 have previously been canceled. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

II. Response to Rejection Under 35 U.S.C. § 103(a)

In Paragraph No. 3 of the Office Action, Claims 1, 3 and 5-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ichihara et al. '756, in view of Ito (JP 62-270386) and Iida et al. '961, further in view of Murray et al., "Synthesis and Characterization

of nearly monodisperse CdE", J. Am. Chem. Soc., Vol. 115(19) pp. 8706-8715 and JP 62-125550.

Applicants respectfully submit that the amended claims are patentable over the cited references for at least the following reasons.

Iida et al. is directed to a binary system, and is apparently different in structure from a three or more-way system. Therefore, Applicants respectfully submit that Iida et al. would not have motivated one of ordinary skill in the art to prepare a disperse of a three or more-way system of metal chalcogenide nanoparticles and coat the dispersion in the optical recording layer of the present invention.

Specifically, Iida et al. is directed to a binary system containing: at least one element selected from the group consisting of the elements of the groups 2B and 3B; and at least one element selected from the group consisting of the elements of the 2nd to 5th periods of the groups 5B and 6B of the Periodic Table. In contrast, the present invention is directed to a three or more-way system containing: at least one element selected from the group consisting of the elements of the groups 8 and 1B; at least one element selected from the group consisting of the elements of the 4th to 6th periods of the groups 3B, 4B and 5B of the Periodic Table; and at least one element selected from the group consisting of the elements consisting of the group 6B of the Periodic Table.

Further, Ichihara et al., JP '386, the Murray et al Publication and JP '550 do not rectify the deficiencies of Iida et al.

In view of the foregoing reasons, Applicants respectfully submit that the present invention is not obvious over the cited references and that the rejection should be withdrawn.

Applicants respectfully submit that new Claims 14-18 are patentable over the cited references for the reasons set forth above and also for the reason that none of the cited references discloses the specific compositions recited in Claims 14-18.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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